

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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IN REPLY REFER TO:

CC 92-77

September 27, 1994

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The Honorable Jon Kyl
U.S. House of Representatives
2440 Longworth House Office Building
Washington, D.C. 20515

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Dear Congressman Kyl:

Thank you for your letter on behalf of G. C. Buchanan, Sheriff, Yavapai County, regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice seeks comment on this analysis and asks interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invites parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost.

The Further Notice also explicitly seeks comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice seeks additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also seeks comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

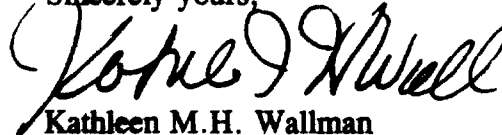
BPP ~~would~~ not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. Moreover, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

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The Honorable Jon Kyl
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Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Kathleen M.H. Wallman".

Kathleen M.H. Wallman
Chief
Common Carrier Bureau

Enclosures



Congress of the United States

House of Representatives

Washington, D.C.

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September 14, 1994

Congressional Liaison
Federal Communications Comm.
Washington, D.C. 20554

Sir/Madam:

The attached communication is sent for
your consideration. Please investigate the
statements contained therein and forward me
the necessary information for
answer.

Yours truly,


JON KYL, M.C.

ATTN:tg





357976

YAVAPAI COUNTY SHERIFF'S OFFICE
G. C. "Buck" Buchanan
Sheriff

255 East Gurley St. • Prescott, Arizona 86301
(602) 771-3260 1-800-352-0960



26 August 1994

The Honorable Jon Kyl
United States House of Representatives
Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Kyl;

In a recent document which was received regarding billed party preference, many issues arise concerning the impact and restrictions which penal institutions and detention facilities will be facing should this become effective.

The only information which can be definite is how the passage of this proposal will effect the operation of the Yavapai County Sheriff's Office Detention Services Division. If the billed party preference (BBP) is adopted, many inmate services, programs and federally mandated requirements will diminish, placing Yavapai County in the situation where funding for these programs will be borne by the community. This does not even consider the possibility of going back to the archaic way of having to physically move inmates to a telephone, have an Officer stand by and monitor the inmate while the call is being made, the liability of privacy while conferring with legal representation and the strain this would place on staffing levels.

Yavapai County takes pride in the overall operation and services which are provided to both the community and the inmate through its Detention Services Division. Current inmate programs include G.E.D., Literacy Programs, an in-house library, a staff position which coordinates these programs of which all are being funded by the Inmate Welfare Fund. The allowable usage from the Inmate Welfare Fund is limited to only those programs or tangible items which are directly related to the welfare and benefit of the inmate. This fund cannot supplant necessities which must be provided by law. Control of this fund is the sole responsibility of the Sheriff, or his designee, not the Board of Supervisors, as these parameters set forth in Arizona State Statute. Passage of the BBP will have a direct negative effect on these programs as the majority of revenue deposited into this fund is generated through the inmate telecommunication system currently installed at both of Yavapai County's detention facilities.

Billed Party Preference
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A new contract has been submitted for approval which will raise our current commission and make available to us, a data-based tracking system by which administrative control can be instituted on our inmate population. During the course of renewing this contract with AT&T and US West, many other vendors have approached our county to sign with them. Careful consideration was given to all aspects of what each company would provide. Many of these vendors were offering "free video imaging" and one even considered remodeling an entire booking area within one facility if we would sign with them. What promulgated the decision to stay with our current vendor was this. These items may be free to us, however, the value of this equipment needs to be offset somewhere. If one is doing business, one cannot afford to "give" these items away, therefore the cost must be absorbed by the consumer. This only serves to bring a negative air to law enforcement, specific to detention, and takes away any positive effect we are providing by oath and commitment.

On the issue of administrative control, let me take this opportunity to present an actual example of what a lack of control can mean. Just this year two of our inmates, co-defendants in a homicide trial, were able to talk to each other by the use of call forward/conference calling ability. One was male and one female, both incarcerated in the same facility. To stop this required staff to monitor the time when each could use the phone, at different intervals, and because of gender, required two Officers to accomplish this task. In addition, these two inmates were housed for over thirty months before sentencing. This was both a cost deficient and time consuming problem. With the availability of a vendor to provide administrative controls over the communication system, just the entry in a call management system could have dealt with this entire situation. If BBP is accepted by the Commission, it would be fair to say that this simple solution to an ongoing and ever-increasing problem may become non-existent.

Because of the issues enumerated above, Yavapai County must support the National Sheriff's Association with the decision that passage of the BBP will not only hinder our current operation, but cause digression in a detention environment which has taken many years to advance to the level of efficiency achieved.

Sincerely,



G.C. "Buck" Buchanan
Yavapai County Sheriff

GCB:lp